

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101

**SUBJECT:** Resolution  
DG 5-6-02 Point West Center North, 3550 Weston Road/Generally  
located on the north side of SW 36 St, between Weston Road and  
I-75.

**AFFECTED DISTRICT:** District 4

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "POINT WEST CENTER NORTH" PLAT, AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Petitioner is requesting to amend the restrictive note on the "Point West Center North" Plat to restrict the plat to 100,000 square feet of retail use.

**Current Plat Note:** This plat is restricted to 55,000 square feet of auto dealership use.

**Proposed Plat Note:** This plat is restricted to 100,000 square feet of retail.

Staff finds that the proposed amendment consistent with the existing and proposed use of the subject site and has no objection to the request.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff recommends that the subject report on the delegation request be reviewed and discussed by Town Council so that a final decision may be rendered.

**Attachment(s):** Resolution, Planning Report, Justification letter, Plat, Future land use map, Subject site, zoning and aerial map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "POINT WEST CENTER NORTH" PLAT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as Point West Center North was approved by the Town of Davie by Resolution No. R 2000-005 on January 5, 2000; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires the Town of Davie to concur with this amendment prior to a review of the proposed amendment by the Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve the proposed revision to the restrictive note show on the Point West Center North plat, the proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

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MAYOR/COUNCILMEMBER

ATTEST:

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TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

**Application #: DG 5-6-02**  
**Exhibit "A":**

**Revisions:**  
**Original Report Date: 6/24/2002**

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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#### **APPLICANT INFORMATION**

**Owner:**

**Name:** John Lowell

**Address:** 355 Alhambra Circle  
Suite 900

**City:** Miami, FL 33134

**Phone:** (305) 520-2454

**Agent:**

**Name:** Ruden McClosky Smith Schuster &  
Russel, P.A.

**Address:** 200 East Broward Boulevard

**City:** Fort Lauderdale, FL 33301

**Phone:** (954) 527-2476

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#### **BACKGROUND INFORMATION**

**Application History:** No deferrals have been requested.

**Application Request:** To amend the restrictive note on the plat from "this plat is restricted to 55,000 square feet of auto dealership use"; to "this plat is restricted to 100,000 square feet of retail."

**Address/Location:** 3550 Weston Road - Generally located on the north side of SW 36th Street, between Weston Road and I-75.

**Land Use Plan Designation:** Residential 1 du/ac

**Zoning:** BP, Business Park District

**Existing Use:** Vacant Land

**Proposed Use:** 100,000 square feet of retail

**Parcel Size:** 9.994 acres (435,338.64 square feet)

**Surrounding Uses:**

**North:** Vacant  
**South:** Vacant/Construction Site  
**East:** I-75  
**West:** Vacant/Meridian Business Campus

**Surrounding Land Use Plan  
Designation:**

**North:** Residential 1 du/ac  
**South:** Commercial  
**East:** Transportation  
**West:** Industrial within Irregular  
(1.83) Residential (Broward County)

**Surrounding Zoning:**

**North:** AG, Agricultural District  
**South:** BP, Business Park  
**East:** T, Transportation District  
**West:** PDD, Planned Development District (City of Weston)

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**ZONING HISTORY**

**Related Zoning History:** Town Council approved a rezoning (ZB 9-2-98, Ordinance 99-03) of the southern portion of the subject site from AG, Agricultural District to BP, Business Park District for 6.45 acres with the utilization of the Broward County “5% residential-to-commercial” flexibility rule on the second reading on February 3, 1999.

Town Council approved a rezoning (ZB 8-1-99, Ordinance 99-44) of the northern portion of the subject site from AG, Agricultural District to BP, Business Park District for 3.55 acres with the utilization of the Broward County “5% residential-to-commercial” flexibility rule on the second reading on December 15, 1999.

**Previous Request on same property:** Town Council approved a plat request P 12-1-98 (Resolution R-2000-005) on January 5, 2000, with a plat note restricting the plat to 55,000 square feet of auto dealership use.

The subject plat is not recorded.

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**Significant Development Review Agency Comments**

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend the maximum level of development allowed on the plat. Such requests must be approved by the local municipality and the County Commission.

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## **Application Codes and Ordinances**

The effective code of ordinance governing this project is the Town of Davie Land Development Code.

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## **Comprehensive Plan Considerations**

**Planning Area:** The proposed plat is in Planning Area 1 which constitutes the southwestern most portions of the Town, encompassing all the land north and south of Griffin Road and west of SW 148 Avenue. This planning area is bisected by I-75 which is accessed by Griffin Road and Stirling Road. Over 100 acres at the northwest intersection of I-75 and Orange Drive is planned for a business park development, known as ICW West.

**Flexibility Zone:** The proposed plat is in Flexibility Zone 113.

**Broward County Comprehensive Plan:** The Broward County Land Development Code requires that any changes to the restrictive note on the plat be reviewed and approved or disapproved by the municipality, and with final approval by Broward County Commission.

**Concurrency Considerations:** Approval shall be subject to sufficient capacity of the regional network as determined by Broward County. In the event sufficient capacity is not met, the amendment to the restrictive note on the plat shall be deemed denied by the Town of Davie.

**Applicable Goals, Objectives & Policies:** Several plan policies require consideration of traffic impacts from proposed development, and maintenance of adopted levels of service (see concurrency considerations).

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## **Staff Analysis**

The proposed delegation request provides for an increase in commercial use from 55,000 square feet of auto dealership use to 100,000 square feet of retail because auto dealership use is not feasible at this time.

A compatibility review for each application of the 5% flexibility rule was approved consistent with Policy 13.01.10 of the Broward County Land Use Plan. Therefore, the proposed

commercial use is in compliance with the permitted uses of the effective land use plan.

Staff finds the delegation request is consistent with the Business Park permitted uses.

### **Findings of Fact**

The proposed amendment is consistent with the existing and proposed use of the subject site. Staff has no objection to the request.

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### **Staff Recommendation**

**Recommendation:** Staff recommends that the subject report on the delegation request be reviewed and discussed by the Town Council so that a recommendation and final decision may be rendered.

### **Exhibits**

1. Justification letter with Existing and Proposed Plat Note
2. Plat
3. Future Land Use Map
4. Subject Site, Zoning and Aerial Map.

Prepared By: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

**RUDEN  
McClosky  
SMITH  
SCHUSTER &  
RUSSELL, P.A.  
ATTORNEYS AT LAW**

200 EAST BROWARD BOULEVARD  
FORT LAUDERDALE, FLORIDA 33301

POST OFFICE BOX 1900  
FORT LAUDERDALE, FLORIDA 33302

TEL: 954-527-2464  
FAX: 954-331-4064  
DEENA.TONNING@RUDIN.COM

May 28, 2002

**Via Hand Delivery**

Mr. Brad Swing  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Re: John Lowell; Point West Center North Plat

Dear Mr. Swing:

This is a delegation request to amend the note on the face of the Point West Center North Plat. The property is generally located on the north side of SW 36<sup>th</sup> Street, between I-75 and Weston Road. The following language is the current note restriction:

*This plat is restricted to 55,000 square feet of auto dealership use.*

*This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.*

The following is the proposed note restriction:

*This plat is restricted to 100,000 square feet of retail.*

*This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.*

FTL-890530.1

FORT LAUDERDALE ■ MIAMI ■ NAPLES ■ PORT ST. LUCIE ■ SARASOTA ■ ST. PETERSBURG ■ TALLAHASSEE ■ TAMPA ■ WEST PALM BEACH

Mr. Brad Swing  
May 28, 2002  
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Enclosed for your review are the following:

1. Full-size copy of the plat;
2. A copy of the Broward County Application to amend or revise level of approved development;
3. A copy of the Broward County Development Review Report approving the plat; and
4. A check in the amount of \$195.00 made payable to the Town of Davie as our application fee.

If you have any questions or need additional information, please call.

Sincerely,

RUDEN, McCLOSKEY, SMITH,  
SCHUSTER & RUSSELL, P.A.

  
Deena M. Tanning

DZT/cb  
Enclosures



## **Exhibit A**

The following language is the current note restriction:

*This plat is restricted to 55,000 square feet of auto dealership use.*

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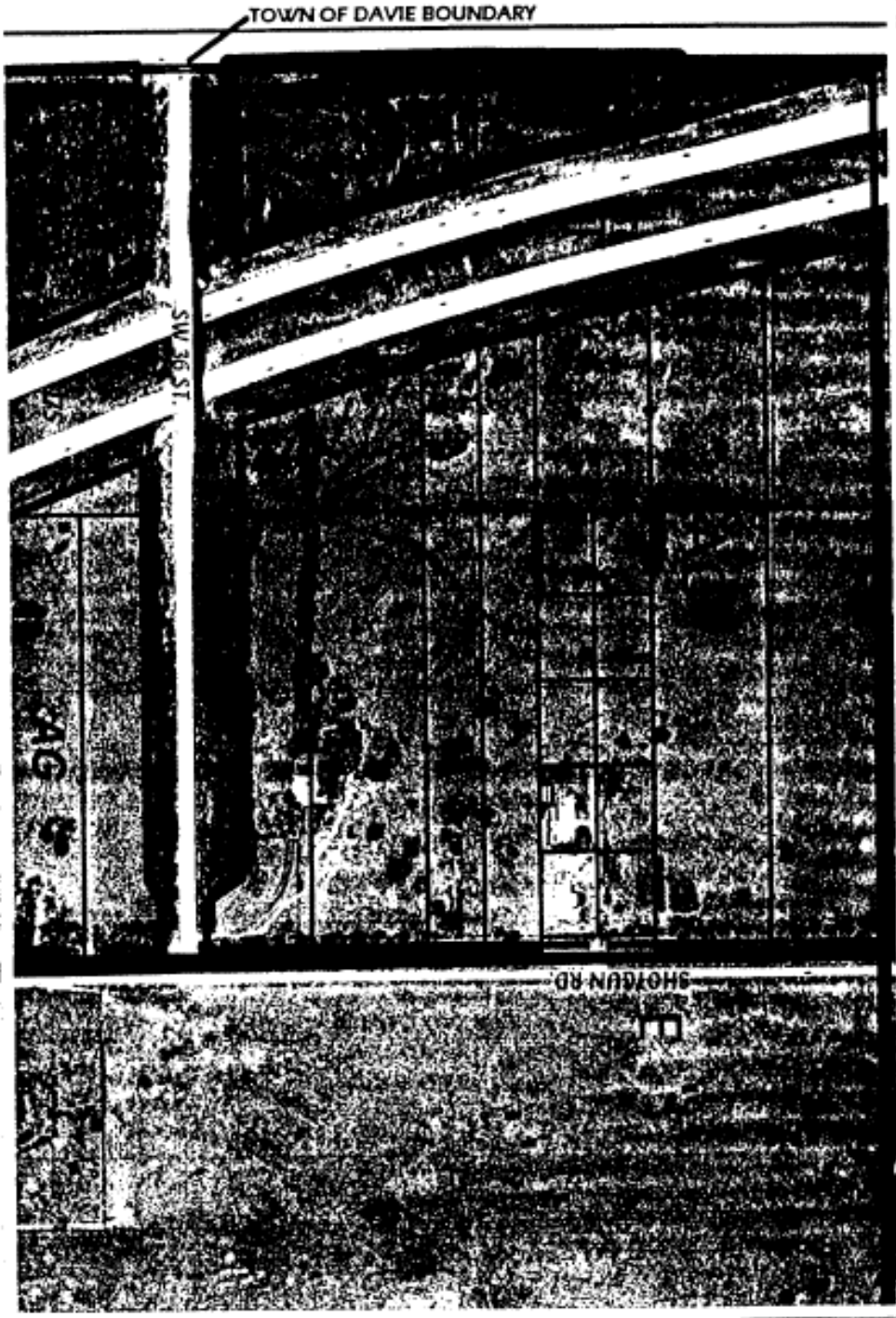
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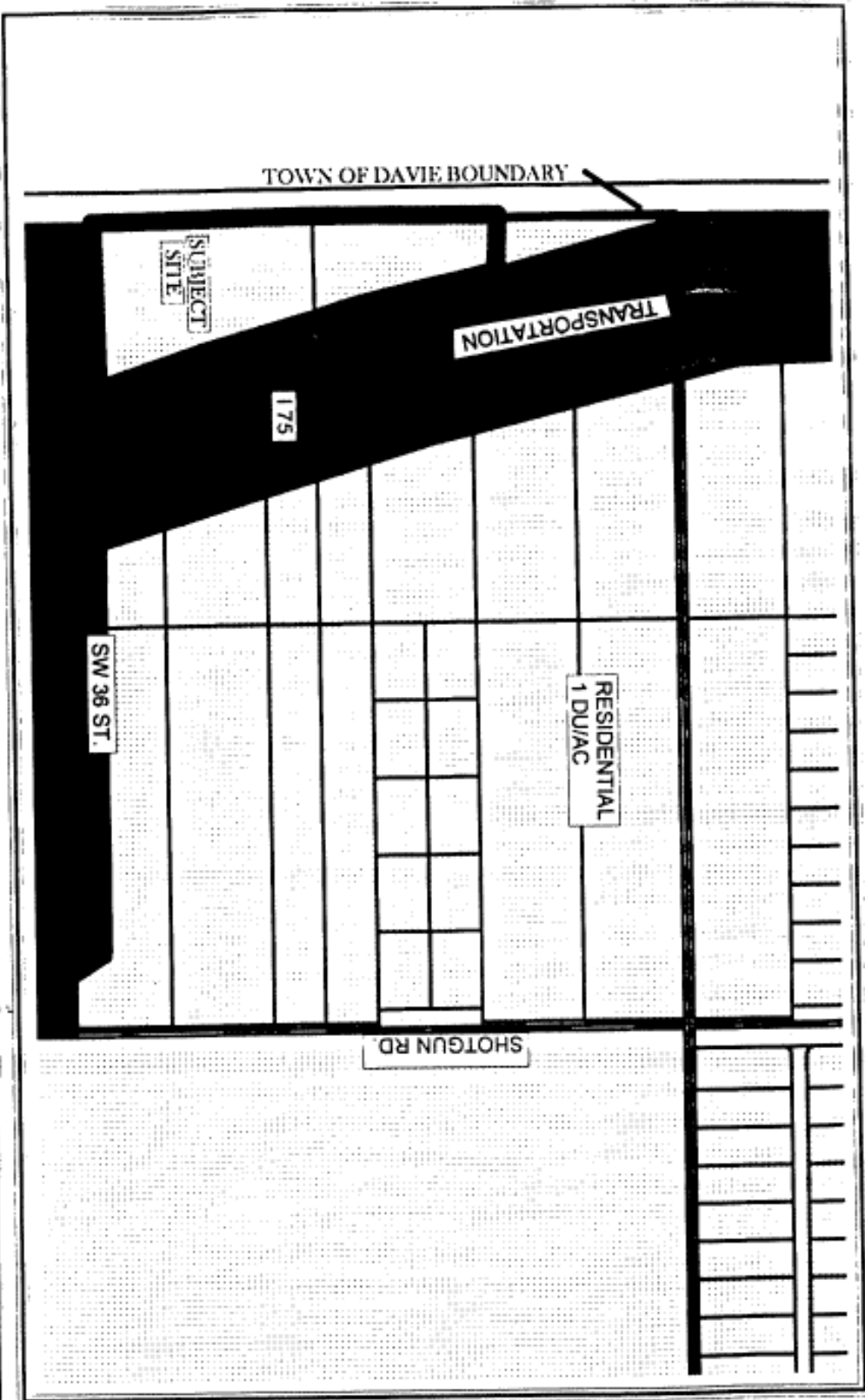






PETITION NUMBER: DG 5-6-02

Zoning and Aerial Map  
Date: Flown: January, 2001  
Scale: 1"= 400'  
Planning & Zoning Division - GIS  
Prepared 6/4/02



PETITION NUMBER: DG 5-6-02  
FUTURE LAND USE MAP  
Date: Flown: January, 2001  
Scale: 1"= 400'  
Planning & Zoning Division - GIS  
Prepared 6/4/02

